

Rhode Island Atomic Energy Commission
Meeting of August 26, 2013 Minutes
Rhode Island Nuclear Science Center
16 Reactor Road
Narragansett, RI 02882

The following individuals were present at the meeting:

Rhode Island Atomic Energy Commission

Dr. Bahram Nassersharif, Vice Chairman and Acting Chairman
Dr. Stephen Mecca, Commissioner
Dr. Nancy Breen, Commissioner
Jennifer Sternick, Commission Legal Counsel

Rhode Island Nuclear Science Center

Ms. Constance Hathaway
Mr. Jeff Davis
Ms. Maggie Damato
Mr. Steve Guarino
Mr. Zach Richards

Others:

S. N. Daily?
Bob Bruzzi
Joseph Moran
D Hathaway

Absent: Dr. Clinton Chichester, III, Chairman and Dr. Peter Gromet, Commissioner

1. CALL TO ORDER

The meeting was called to order by Dr. Nassersharif at 9:01 AM

2. MINUTES

The Minutes of the August 16th meeting were distributed.

Motion by Dr. Mecca: table the approval of the meeting minutes because he just received them. The motion was seconded by Dr. Breen, the motion passed (3-0).

3. ISSUE OF JOB STATUS OF ASST. DIRECTOR FOR RADIATION AND REACTOR SAFETY (RADIATION SAFETY OFFICER) AND WHETHER HE MEETS THE QUALIFICATIONS REQUIRED BY TECHNICAL SPECIFICATION 6.2.2

Mr. Guarino was asked if he would like the meeting to proceed open or closed in executive session. He stated he wanted the meeting to remain open.

Jennifer Sternick preempted discussion to tell the commission that she received an email from Mr. Guarino over the weekend asking for a continuance because he had retained counsel and counsel was unavailable, and because he has been assured by the new Chair, Dr. Chichester that the Monday August 26 meeting would be continued when they met last week.

The commission then heard from Mr. Guarino who requested a continuance because he believed that today's meeting was canceled from a meeting with Dr. Breen on Thursday or postponed from a discussion with Dr. Chichester on Friday morning. He stated that he learned at 2:30 on Friday that the meeting was neither canceled nor postponed but would proceed as scheduled for Monday at 9:00AM.

Ms. Sternick requested a brief recess to contact the lawyer.

Motion by Dr. Mecca: Call for brief recess to allow for Ms. Sternick to attempt to contact Mr. Guarino's lawyer

Second by Dr. Breen, the motion passes (3-0)

At 9:17 Ms. Sternick returns, she was not able to get in touch with Mr. Guarino's lawyer and recommends that meeting be continued until a time when all commissioners and can be present, and Mr. Guarino's attorney can be notified.

Dr. Mecca asks how this will impact the status of Mr. Guarino as an employee.

Ms. Sternick replies that if no action is taken today, then there will be no change in his status. Mr. Guarino's employment status may change on September 6.

Dr. Mecca voiced his concern that Mr. Guarino has been asked to provide information(transcript and syllabus of courses [taken at Oak Ridge]) 3 months ago, and has been repeatedly asked to do so, but still has not. He suggested Mr. Guarino needs to present evidence to convince the commission as to his credentials.

Dr. Nassersharif asked Mr. Guarino directly: Do you intend to provide the commission copies of your transcript? Mr. Guarino responded that he still has not made up his mind. Dr. Nassersharif followed up: Did you come prepared to today's meeting? Mr. Guarino responded, no he was not prepared, he wanted to make a statement but he did not come prepared, he had not yet spoken to his lawyer.

Dr. Nassersharif asked, Why did you wait until the last minute to retain attorney? And Dr. Mecca recalled that Mr. Guarino had been referring to his attorney since the spring and Dr. Nassersharif concurred. Both are still wondering why the commission still has not received Mr. Guarino's transcript.

Motion by Dr. Mecca to continue this agenda item to the next meeting. Dr. Breen seconds the motion, the motion passes 3-0

Further Discussion:

There was some further discussion about Mr. Guarino's status as an at-will employee, and the status of non-compliance of the Reactor.

We have re-licensing and inspection coming up.

If credentials do stand up, all things have to go through NRC.

Jeff Davis was asked when the inspection was, he thought it was the third week of September, Zach Richards confirmed it was the week of September 16th. They come on Monday and close out on Thursday. Dr. Nassersharif reminded those present that the commissioners usually participate in the exit interview and asked that this practice continue.

A discussion of commissioner availabilities ensued to plan for the next meeting.

4. ADJOURNMENT

Motion to adjourn was made from Dr. Mecca, and seconded by Dr. Breen, motion passes, 3-0 .

Meeting adjourned at 9:50.

Respectfully submitted,
Nancy E. Breen
Commissioner